

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

FACEBOOK URL:
HTTPS://WWW.FACEBOOK.COM/PROFILE.PHP?
ID=100012725942670;
FRIEND IDENTIFICATION NUMBER: 100012725942670

Case No. 18-841M (NT)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18 U.S.C. Section 2250(a).

The application is based on these facts: See attached affidavit.

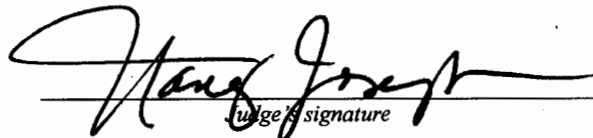
☒ Delayed notice of _____ days (give exact ending date if more than 30 days: October 9, 2018) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Senior Inspector Scott Keller, USMS
Printed Name and Title

Sworn to before me and signed in my presence:

Date: April 12, 2018


Judge's signature

City and State: Milwaukee, Wisconsin

Honorable Nancy Joseph, U.S. Magistrate Judge
Printed Name and Title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Scott Keller, being first duly sworn, states that:

1. I make this affidavit in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook, Inc. to disclose to the government records and information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a social networking company headquartered at 1601 Willow Road, Menlo Park, CA 94025. The accounts to be searched is described as:

Facebook URL: <https://www.facebook.com/profile.php?id=100012725942670>
Friend Identification Number: 100012725942670

The facts to establish probable cause for issuing the search warrant are as follows:

Background

2. I am a Senior Inspector with the U.S. Marshals Service, having been so employed for over 7 years. As part of my duties, I investigate violations of federal and state laws, including those relating to fugitives. I have also received specialized training in the investigation of violations of the Adam Walsh Act as well as specialized training in the electronic communications field.
3. The information contained in this affidavit is based on my training and experience, as well as information provided to me by other law enforcement officers and citizens, all of whom I believe to be truthful and reliable. This affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause to search the Facebook account, described above, used by Dontay Stewart (hereinafter Stewart).

Facts Establishing Probable Cause

4. On November 18, 2004, Stewart was charged in Cook County Circuit Court, Cook County, IL, with Aggravated Criminal Sexual Assault-Bodily Harm (4 counts), Aggravated Criminal Sexual Abuse- Victim 13-16 years of Age (6 counts), and Unlawful Restraint, court case number 04CR2772301.
5. On February 6, 2006, Stewart pled guilty to one count of Aggravated Criminal Sexual Abuse-Victim age 13-16, and all other counts associated with the case were dismissed. Stewart was subsequently sentenced to a period of four years imprisonment.
6. As a result of his conviction, Stewart is required to register as a Sex Offender.
7. On February 27, 2018, the Wisconsin Sex Offender Registry (WISOR) notified Senior

Inspector (SI) Keller that Stewart was arrested in Milwaukee, WI on February 23, 2018, by the Milwaukee Police Department. According to WISOR, Stewart was in custody at the Milwaukee County Jail, and had been charged in Milwaukee County Circuit Court, case number 2018CF000935, with Strangulation/Suffocation and Battery in violation of Wisconsin State Statutes 940.235(1) and 940.19(1). WISOR further indicated that Stewart was a registered sex offender out of Illinois and that he had not made any attempts to register in Wisconsin.

8. According to Milwaukee Police Report (Incident # 180540042), on February 23, 2018, officers were called to the address of 1511 S. Comstock Avenue, Milwaukee, WI regarding a Battery complaint. Upon arrival, officers spoke with victim, Ieshia Everett. Officers observed that Everett had sustained injuries to her face. After questioning Everett, officers learned that the injuries were as a result of being punched by Stewart. After further investigation, Stewart was arrested. According to the Milwaukee Police Department booking records, Stewart provided a home address of 3028 N. 30th Street, Milwaukee, WI.
9. During the investigation, SI Keller discovered another police report involving Stewart. According to Milwaukee Police Report, Incident # 170990045, officers were dispatched to the address of 3028 N. 30th Street, Milwaukee, WI on April 9, 2017, with regard to a Battery complaint. Upon arrival, officers spoke with Latoya Brewer, who identified herself as Stewart's live-in girlfriend. According to Brewer, Stewart was involved an argument with her two daughters, one of which was 16 years of age at the time. During the argument, Stewart struck both the daughters and fled the scene. An arrest warrant was issued at the time for Battery and Child Abuse; however, charges were not issued by the Milwaukee County District Attorney's Office after the victims failed to show for a charging conference.
10. Investigation has also revealed that Brewer and Stewart have a child together, named Dontay Stewart.
11. On February 27, 2018, SI Keller conducted a search of Stewart on the on-line Illinois Sex Offender Registry (ILSOR) website. According to the registry information, Stewart was listed as "Homeless," and compliant.
12. On March 7, 2018, SI Keller obtained copies of Stewart's last two registry documents from the ILSOR, dated February 9, 2018, and February 20, 2018, respectively. Each one of the documents indicates the type of registry as being "Homeless Weekly." According to the ILSOR, when a registrant claims "Homeless," they are required to report, in person, weekly to provide updated information on form ISP 4-84, Illinois Sex Offender Registration Act Registration Form. That notification reads in part:

"If you move to another state, you must register with that state within 3 days. You must notify the agency with whom you last registered in person of your new address, at least 3 days before moving."

“Under the Adam Walsh Child Protection and Safety Act of 2006, 18 United States Code 2250, if you travel to another state and fail to register as required, you are also subject to federal prosecution that carries penalties of a fine and/or imprisonment up to 10 years.”

13. Each of the documents is acknowledged by Stewart through signature.
14. On March 8, 2018, Wisconsin Sex Offender Registration Specialist Mahin completed a registration with Stewart at the Milwaukee County Jail. During the course of the registration, Stewart provided a cell phone number of 773-673-4302.
15. On March 8, 2018, SI Keller and Deputy U.S. Marshal (DUSM) Hemstad interviewed Ieshia Everett at her residence located at 1511 S. Comstock Avenue, Milwaukee, WI. Upon making contact with Everett, SI Keller and DUSM Hemstad identified themselves as Deputies with the U.S. Marshals Service and informed her that an investigation was being conducted into potential federal charges against Stewart. Everett agreed to speak with SI Keller and DUSM Hemstad.
16. According to Everett, she has known Stewart since the summer months of 2016. Everett indicated that she first began working with mother of Stewart's child's, Latoya Brewer, at Kangaroo located in Milwaukee. During the course of working together, she became friends with Brewer and eventually came to know Stewart. Everett stated that Stewart and Brewer have lived together in Milwaukee on N. 30th Street since she has known them. Everett reported that her friendship between Stewart and Brewer eventually became romantic and that the three of them were involved in an "open relationship." Everett stated that beginning in about October 2017, Stewart began visiting her at her residence located at 1511 S. Comstock Avenue, Milwaukee, WI and would often spend a few nights with her each month. Everett indicated that when he was not at her residence, Stewart was staying with Brewer at her residence. Everett claimed that, although Stewart was from Chicago, he did not live there. He would travel weekly, usually by bus, to check in with his "probation officer" in Chicago, but would return the same day. Everett stated that she usually contacted Stewart by way of cell phone at number 773-673-4302. She also indicated that Stewart had a Facebook account under the name "Marcus Johnson." She indicated that there are no photos of Stewart on this Facebook page and that the photo utilized on his profile page is of some unknown male.
17. On March 8, 2018, SI Keller located a Facebook page associated with Latoya Brewer. The Facebook URL associated with the page was identified as being: <https://www.facebook.com/lmsstewartbrewer>. Publicly shared photos associated with the Facebook page were compared with Latoya Brewer's Wisconsin Department of Transportation (WIDOT) photo and found to be the same person. On May 15, 2016, Brewer posted a photo of a juvenile male with the caption "with Dontay Otway Stewart." In the comments section of the photo, a publicly posted comment from "Marcus Johnson" stated "Who is this handsome fella...he don't look like you he must look like his daddy."
18. SI Keller clicked on the hyper link to connect to the Facebook page associated with

"Marcus Johnson." The URL associated with this Facebook page was identified as being: <https://www.facebook.com/profile.php?id=100012725942670>, with a vanity name of Marcus Johnson (Dv World). The profile photo associated with this page is of an unidentified male, as previously described by Ieshia Everett.

19. A publicly posted photo of an unidentified male was observed on the page. The photo received 54 "likes." Found in the list of people who "liked" the photo, were two separate Facebook pages associated with Latoya Brewer.
20. Additionally, SI Keller conducted a Facebook search of the phone number, 773-673-4302, provided by Stewart during his registration with WISOR. The search of this number showed it to be related to the Facebook page for "Marcus Johnson (Dv World)," URL: <https://www.facebook.com/profile.php?id=100012725942670>.
21. SI Keller observed that little information on this Facebook page was posted "publicly," therefore restricting what can be seen associated with the account. Based upon my training and experience, it is not unusual for Facebook pages to be established under an alias name. Furthermore, it is not unusual for a subject involved in illegal activity to keep all information private, to include photos, "friends" listings, and posted comments, to avoid being detected.
22. Based on information provided by Ieshia Everett and her description of the Facebook account, coupled with the contacts this Facebook page has with Latoya Brewer's two Facebook pages and the comments posted to Brewer's photo of her son, as well as the association of the Facebook page to the number Stewart reported as his, I believe this is Stewart's Facebook page.
23. Through my training and experience, I know that people who use social media sites such as Facebook maintain relationships with family and friends through private messages along with posting and exchanging of pictures. Having access to view those messages and historical IP addresses will provide evidence in relation to the charge of Failure to Register pursuant to the Sex Offender Registration and Notification Act in violation of 18 U.S.C. Section 2250.

TECHNICAL BACKGROUND

1. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.
2. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook

also assigns a user identification number to each account.

3. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users.
4. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.
5. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.
6. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, a user's "Photoprint" includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.
7. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.
8. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

9. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.
10. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.
11. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.
12. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.
13. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.
14. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well records of any actions taken by the provider or user as a result of the communications.
15. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

16. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Attachment A under the following accounts:

Facebook URL: <https://www.facebook.com/profile.php?id=100012725942670>
Friend Identification Number: 100012725942670.

CONCLUSION

17. Based on the aforementioned information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of such criminal offenses may be located within the aforementioned Facebook account in violation of Adam Walsh Act, Title 18 U.S.C. Section 2250(a).
18. I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook URL:

<https://www.facebook.com/profile.php?id=100012725942670>, Friend Identification Number:
100012725942670 that is stored at premises owned, maintained, controlled, or operated by
Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A for the time period of April 1st, 2017 through the date of this search warrant:

- a. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers
- b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- c. All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification

- numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
 - f. All "check ins" and other location information;
 - g. All IP logs, including all records of the IP addresses that logged into the account;
 - h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
 - i. All information about the Facebook pages that the account is or was a "fan" of;
 - j. All past and present lists of friends created by the account;
 - k. All records of Facebook searches performed by the account;
 - l. All information about the user's access and use of Facebook Marketplace;
 - m. The types of service utilized by the user;
 - n. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
 - o. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- p. The last GPS location of the target/account log-in with latitude and longitude information
- q. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.